

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

NAVY SEALs 1-3, *et al.*,

Plaintiffs,

v.

LLOYD J. AUSTIN, III in his official capacity as
United States Secretary of Defense, *et al.*,

Defendants.

Case No. 4:21-cv-01236-O

**DEFENDANTS' NOTICE OF ADDITIONAL GUIDANCE REGARDING RESCISSION
OF DOD COVID-19 VACCINATION REQUIREMENT**

Defendants file this notice to inform the Court that on February 24, 2023, the Department of Defense and the Department of the Navy took additional actions to implement the rescission of the DoD COVID-19 vaccination requirement.

On February 24, 2023, the Deputy Secretary of Defense issued a memorandum titled *Guidance for Implementing Rescission of August 24, 2021 and November 30, 2021 Coronavirus Disease 2019 Vaccination Requirements for Members of the Armed Forces* (attached as Ex. 1). Among other things, the DoD memorandum confirms that the rescission “rendered all DoD Component policies, directives, and guidance implementing those vaccination mandates as no longer in effect as of January 10, 2023,” and directs specific procedures for any future vaccination requirements.

On the same day, the Secretary of the Navy issued a memorandum titled *Department of the Navy Actions to Implement Coronavirus Disease 2019 Vaccine Rescission* (attached as Ex. 2). Among other things, it directs the Navy and Marine Corps to review records of current service members who sought an exemption in order to remove adverse actions.

Dated: February 28, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

Civil Division

ALEXANDER K. HAAS
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Deputy Branch Director
Federal Programs Branch

/s/ Amy E. Powell

ANDREW E. CARMICHAEL (VA Bar. No. 76578)

AMY E. POWELL

Senior Trial Counsel

STUART J. ROBINSON

Senior Counsel

ZACHARY A. AVALLONE

COURTNEY D. ENLOW

LIAM C. HOLLAND

CASSANDRA M. SNYDER

Trial Attorney

United States Department of Justice

Civil Division, Federal Programs Branch

1100 L Street, N.W.

Washington, DC 20005

Tel: (919) 856-4013

Fax: (202) 616-8470

Email: amy.powell@usdoj.gov

Counsel for Defendants